

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THRIVENT FINANCIAL FOR
LUTHERANS,

Plaintiff,

VS.

GRANT FUHRMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. H-12-908

MEMORANDUM AND ORDER

Thrivent Financial for Lutherans filed this interpleader action under 28 U.S.C. § 1332 and Federal Rule of Civil Procedure 22, asking this court to resolve uncertain and therefore potentially conflicting claims to life insurance proceeds. The proceeds at issue are benefits of a policy covering Richard Furman. Thrivent named Richard Fuhrman's son, Grant Fuhrman, in his capacity as the personal representative of Richard Fuhrman's estate, and Nina Fuhrman, Richard Fuhrman's ex-wife. Thrivent deposited \$154,260.95 in insurance proceeds into the court registry.

This court granted Thrivent's Rule 19(a) motion and its motions to be dismissed with a discharge of liability and to receive its attorney's fees, awarding Thrivent attorney's fees and costs. The court ordered that by June 14, 2013, a competent personal representative of Richard Fuhrman's estate join this action. That order has been complied with. The Harris County Probate Court No. 2 approved the appointment of Grant Fuhrman as Independent Executor for the Estate of Richard Fuhrman.

Nina Fuhrman and Grant Fuhrman have now moved to dismiss, asserting that the beneficiaries of the will of Richard Fuhrman have no desire to litigate against the Estate for the

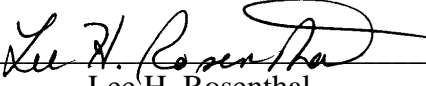
insurance funds interpleaded in this case. They have agreed to allow the interpleaded funds to be awarded to the Estate and then distributed through probate. Because the insurance proceeds will be provided to the Estate and not to Nina Fuhrman, any Estate creditors will be protected through the probate process. The only remaining parties to this action have moved to dismiss and have shown compliance with this court's order. The motion to dismiss is granted.

The defendants have also asked that this court award them \$12,479.50 in attorneys' fees from the interpleaded funds. The defendants have presented evidence of the reasonableness of the fees they incurred in defending this interpleader action and in taking the steps necessary to address potential claims by Estate creditors. The motion for the award of fees in the amount of \$12,479.50 is granted.

Finally, the defendants have moved for an order for the payment of the interpleaded funds to be paid to the Estate of Richard Fuhrman. There does not appear to be any basis to deny the relief sought.

No later than June 24, 2013, counsel for the defendants must submit a proposed order consistent with the court's orders granting the motion to dismiss, for fees, and for the payment of the interpleaded funds to the Estate. (Docket Entry No. 25).

SIGNED on June 18, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge